

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

STUART BERMAN

Serial No.: 09/330,755

Filed: June 11, 1999

For: FIBRE CHANNEL SWITCHING SYSTEM

Group Art Unit: 2616

Examiner: Daniel J. Ryman

Confirmation No. 9796

PETITION TO REVIVE

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

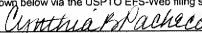
Applicant respectfully petitions to the Commissioner under 37 CFR §1.137(b) for revival of the above-identified patent application. The above-identified application became abandoned for failure to submit a timely response to the final Office Action dated December 28, 2007.

A Request for Continued Examination (RCE) is enclosed herewith. The entire delay in filing the required response from the due date for the required response until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. Accordingly, Applicant respectfully requests that the Accordingly, Applicants respectfully request that above-identified application be revived and the enclosed response to the Office Action dated December 28, 2007 and request for continued examination be entered.

CERTIFICATE OF TRANSMITTAL

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below via the USPTO EFS-Web filing system.

August 22, 2008
Date of Deposit

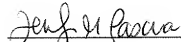

Cynthia B. Pacheco

Applicant hereby authorizes the Commissioner to charge the fee for the request for continued examination pursuant to 37 C.F.R. § 1.17(e) and the fee for the Petition to Revive pursuant to 37 C.F.R. § 1.17(m) to Deposit Account No. 50-2862. Also, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-2862. Should any questions arise regarding this Petition, Applicant would request that the undersigned be contacted at (949)760-9600.

Respectfully submitted,
O'MELVENY & MYERS LLP

Dated: August 22, 2008

By:


Jennifer M. Pascua
Reg. No. 56,489
Attorney for Applicant

JMP/cbp

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